

0006.90000  
WSS/gjz  
5/20/04

**RESOLUTION NO. 1066**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, STATING THE INTENT OF THE CITY COUNCIL TO VACATE A PORTION OF THE RIGHT-OF WAY OF SIERRA PLACE AND STATING THE PRECONDITIONS FOR SUCH ACTION.

---

WHEREAS, Darryl and Shari Lewis have applied to vacate a portion of the right-of-way of Sierra Place, located immediately west of an undeveloped tract of land with the address of 1142 Sierra Place, said vacation being more particularly described in File No. ST-03-176; and,

WHEREAS, on May 18, 2004, a public hearing was held; and

WHEREAS, adjacent property owned by the applicants is severely burdened with restrictions under the City's critical areas ordinance and a variance to develop the site through a reasonable use exception to the City's critical areas ordinance is pending; and

WHEREAS, the City has previously received applications to sub-divide the property; and

WHEREAS, the applicants representative offered to limit development of the adjacent property to one single-family residence through a recorded document voluntarily offered by the applicants; and

WHEREAS, the City Council finds that the right-of-way is surplus to the City's needs because it is highly unlikely to be developed for public street purposes due to its topography, and that a public benefit can be found by minimizing the impact on the critical areas

and environmental resources of the City through minimum development as one single-family residence; now, therefore,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON,  
HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby states its intent to vacate the property described in attached Exhibit A if, but only if, the applicants fulfill the following conditions within ninety (90) days of the adoption of this resolution:

1.1 Pay the sum of \$3,750 to the City Clerk of the City of Edmonds; and

1.2 Execute and provide for recording by the City Clerk a notice of restriction in favor of the City in substantially the form shown on the attached Exhibit B.

Section 2. If the applicants fail to provide the payment and covenant of restriction referenced in sub-paragraphs 1.1 and 1.2 above within ninety (90) days of the date of adoption of this resolution the Council's approval shall become null and void.

RESOLVED this 22<sup>nd</sup> day of June, 2005.

APPROVED:

---

MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

---

CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 06/18/2004  
PASSED BY THE CITY COUNCIL: 06/22/2004  
RESOLUTION NO. 1066

**EXHIBIT B**

**NOTICE OF RESTRICTION OF USE**

COMES NOW, the undersigned owners of certain real property located in the City of Edmonds, Snohomish County, Washington, addressed as 1142 Sierra Place ("Site") and legally described as follows:

[legal description]

The undersigned owners, in consideration of the approval of the City of Edmonds of a vacation of a certain public easement lying adjacent to and immediately south of the subject site, do hereby agree and covenant, on behalf of themselves, their heirs, successors and assigns, to restrict use of the above described Site to one single-family dwelling. This covenant is offered to and in favor of the City of Edmonds, and the rights conferred hereunder may be released only by an action of the Edmonds City Council.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

OWNERS

\_\_\_\_\_  
DARRYL LEWIS

\_\_\_\_\_  
SHARI LEWIS

STATE OF WASHINGTON )

COUNTY OF SNOHOMISH)

On this day appeared before me DARRYL LEWIS AND SHARI LEWIS, husband and wife, and stated that they executed this document for the uses and purposes herein mentioned.

DATED: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Printed Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_